

Town of Brewster, MA
Conservation Commission
Request for Determination of Applicability (RDA)
Code of the Town of Brewster
Chapter 172,
Brewster Wetlands Protection By-law
(BWP By-law)
conservation@town.brewster.ma.us

The state form, "Request for Determination of Applicability" is available on line at:

<http://www.mass.gov/dep/water/approvals/wpaform1.pdf>

If you would like a print copy of the form, please telephone the Conservation Department at (508) 896 3701, extension 1235.

Brewster Wetlands Protection By-law Section - Please complete each applicable form in this package along with the above referenced state form application. Submit all completed forms, materials, plans, and a check, payable to the Town of Brewster, to the Conservation Department so that your filing under the MA Wetlands Protection Act and the Brewster Wetlands Protection By-law, will be complete.

Contents: Brewster Wetlands Protection By-law Request for Determination of Applicability (RDA)

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Policy for Plans Used for Wetlands Permitting

Adopted 11/26/02, Amended 7/6/11

Plans shall be submitted at a scale of 1 inch equals 20 feet, unless prior approval is given by the Conservation Commission and/or the Conservation Administrator. Plans shall provide a proper and clear identification of resources and buffer zones (in color) and any details necessary to adequately describe the proposed activity.

The following plans shall be submitted with the proper certifications as listed below:

Construction Documents:

Site Plans with Engineering	PE and Professional Land Surveyor (PLS)
Engineering Design	Professional Engineer (PE)
Retaining walls over 3 feet in height	PE
Plot Plans with no engineering	PLS
Landscape / Planting Plans	Conservation Commission Discretion

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Request for Determination of Applicability (RDA) Filing Checklist

Before you submit your Request for Determination of Applicability to the Conservation Commission and other applicable agencies, please complete and sign this check-list, showing that you understand and have completed all of the forms and procedures required for a Request for Determination filing. The Conservation Commission will not open the hearing if the filing is not complete.

Please submit one copy only of this checklist, for review by department staff.

The Conservation Commission requires twelve (12) copies of the RDA and twelve attached plans for each filing. Include each item of the application, with pages numbered consecutively and in the order designated on the checklist. Staple these pages together, and attach the plan(s) to the RDA with a paper clip. All of the pages and plan represent one copy of the application. Send one copy of the RDA by US Certified, Return Receipt Mail, to the DEP Southeast Regional Office, 20 Riverside Drive, Lakeville, MA, 02347. Submit the Certified Receipt Postal Service Form 3800 to the Conservation Commission with the RDA

Application

- ☐ 1. Obtain a certified abutters' list from the Brewster Assessors' Office and a photocopy of the appropriate section of the Town of Brewster Assessors' map, showing the property of the project and all abutting properties required for a legal wetland filing under the BWP By-law. This list will provide the names of all direct abutters to the property (first abutters), all that abut the first abutters (second abutters) if they are within 300 feet of the lot lines of the property, and lot(s) directly across the street from your lot. The street is the first abutter and lots directly across, second abutters.

If abutters are in another town, obtain a certified list of the abutters from the assessors' office in that town, and submit it and the appropriate assessors' map in the application also.

Submit the certified abutters' list and the Assessors' map, as part of the application

- ☐ 2. Notify all abutters on the list of your proposed project on the RDA "Notice to Abutters" form letter, by Certified, Return Receipt mail or hand delivery **before or on the day of filing, and submit the Certified Mail receipts (Form 3800) as part of the filing.** Submit the US Postal Service Form 3811 at the hearing.
- ☐ 3. Complete and include the state RDA application (WPA Form 1).
- ☐ 4. If applicable, include DEP Appendix G. Field Data Forms for bordering vegetated wetlands. Submit one form for each area tested; one form for the wetland area and one for the upland.
- ☐ 5. Include a photocopy of an 8" by 10" section of the appropriate United States Geological Survey (USGS) Quadrangle Map clearly showing the location of the project.
- ☐ 6. Include a clear narrative, describing all aspects of the project.

- ☐ **7.** Include a professional site plan in accordance with the enclosed Brewster Conservation Commission "Policy for Plans Used for Wetland Permitting". Designate buffer zones and wetlands in color (blue line = 100 feet, red line = 50 feet, green line = wetland).
- ☐ **8.** Include a copy of the RDA "Notice to Abutters" form letter.
- ☐ **9.** If the lot is an undeveloped, secluded, or otherwise unidentifiable area, identify the lot on the plan by the number of the nearest telephone pole or the nearest road intersection. If there is no pole on the lot, describe the lot's proximity to the nearest; for example, "The lot is twelve feet east of telephone pole no.167".
- ☐ **10.** The town filing fee for a Request for Determination of Applicability is \$75.00, with an advertising fee of \$15.00 and a \$20.00 fee for processing and mailing. Include this as one check for \$110.00 payable to the Town of Brewster, with the application. The state does not assess a fee for an RDA.
- ☐ **11.** Fold each plan separately, right side out with the title visible, and paper clip it to each copy of the application.
- ☐ **12.** Include a signed Site Access Authorization Form.
- ☐ **13.** Properly stake and flag the project site to identify all portions of the project, prior to the day of filing.
 - Clearly stake all boundaries and limits of work.
 - Clearly identify all stakes and flags in the field, showing the 100 foot and 50 foot buffer zones and wetland areas.
 - Designate each wetland type on the flag as "BVW" (bordering vegetated wetland), "TOB" (top of bank), "LSF" (land subject to flooding), etc.

Department staff and Conservation Commissioners will inspect the site.

Unless a holiday interferes, the filing deadline for applications is noon on the Friday at least ten (10) business days before the hearing. The hearing must be advertised in a local newspaper (at the time, the Cape Codder newspaper) no less than five business days before a hearing. When a holiday interferes with the Friday production, the newspaper will notify the town of its earlier submittal deadline.

I, _____, confirm that this application is complete.
Environmental consultant/engineer/surveyor/applicant

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Notice to Abutters

Date: _____

To: Abutters of property located at _____

Assessors' Map _____, Parcel _____

From: _____, Applicant

Owner of Property: _____

In accordance with the requirements of Section 5, the Town of Brewster Wetlands Protection By-law, this is notification to you that a filing has been submitted to the Brewster Conservation Commission under G.L. c. 131, §40, Massachusetts Wetlands Protection Act and the Brewster Wetlands Protection By-law on behalf of the applicant for a proposed project at the above captioned location.

The Project Includes the following:

The proposed work will occur in and within 100 feet of:

☐ Inland Wetlands

☐ Coastal Wetlands

☐ The project will occur within an Inland Wetland

☐ The project will occur within a Coastal Wetland

The information and plans for the project may be reviewed between 8:30 AM and 4:00 PM at the Conservation Department, Brewster Town Offices, 2198 Main Street. A public hearing will be held _____, 2010 at the Brewster Town Offices. Hearings begin at 7:00 PM. The hearing notice will be publicized in the Cape Codder Newspaper no less than five (5) days prior to the hearing. If you have any questions, please call the Brewster Conservation Department at 896-3701, extension 1235, between the hours of 8:30 AM and 4:00 PM.

Sincerely,

Representative for Applicant

TOWN OF BREWSTER
CONSERVATION COMMISSION

SITE ACCESS AUTHORIZATION FORM

Date: _____

Project: _____

Location: _____

Property Owner: _____

I (we) hereby authorize the individual members of the Brewster Conservation Commission and its agents to enter upon the referenced property for the purpose of gathering information regarding the application filed with the Commission pursuant to the Wetlands Protection Act (M.G.L. Ch 131, s. 40) and/or the Brewster Wetlands Protection Bylaw (Chapter 172).

Additionally, if an Order of Conditions is issued for the project, I (we) grant permission for Commission members and the Commission's agents to enter the above referenced property for the purpose of inspecting for compliance with the Order of Conditions. This site access authorization is valid until a Certificate of Compliance is issued by the Conservation Commission.

Authorized Signature: _____ Date: _____

Please Print Name: _____

If other than owner, please state whether tenant, agent, or other: _____

Mailing Address: _____

Phone: _____ Email: _____

Cell: _____ Fax: _____